

AO 245B (Rev. 06/16) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

District Of South Dakota, Western Division

UNITED STATES OF AMERICA

v.

Timothy J. Fielding

JUDGMENT IN A CRIMINAL CASE

Case Number: 5:14CR50064-1

USM Number: 14084-273

Stephen D. Demik
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) Count 1 of the Superseding Information.
- ☐ pleaded nolo contendere to count(s)
which was accepted by the Court.
- ☐ was found guilty on count(s)
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| Title & Section | Nature of Offense | Offense Ended | Count |
|------------------|-------------------|---------------|-------|
| 18 U.S.C. § 1001 | False Statement | 08/07/2014 | 1s |

FILED

SEP 27 2016


CLERK

The defendant is sentenced as provided in this Judgment. The sentence is imposed pursuant to the statutory and constitutional authority vested in this Court.

- ☐ The defendant has been found not guilty on count(s) _____
- ☒ Count(s) 1 and 2 of the Superseding Indictment [is] ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant must notify the Court and United States attorney of material changes in economic circumstances.

09/23/2016

Date of Imposition of Judgment


Signature of Judge
Jeffrey L. Viken, Chief Judge
Name and Title of Judge

Date

AO 245B (Rev. 06/16) Judgment in Criminal Case
Sheet 2 — Imprisonment

DEFENDANT: Timothy J. Fielding
CASE NUMBER: 5:14CR50064-1

IMPRISONMENT

- ☒ The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 24 months.
- ☐ The Court makes the following recommendations to the Bureau of Prisons:
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☒ The defendant shall surrender to the United States Marshal for this district or the U.S. Bureau of Prisons as directed:
- ☒ Within 48 hours of designation by BOP.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on 9-30-16 to FCI ComAtto
at Corbett PA, with a certified copy of this Judgment.

S. MILLION

UNITED STATES MARSHAL

Warden

By

ON
DEPUTY UNITED STATES MARSHAL

CS

AO 245B (Rev. 09/14) Judgment in a Criminal Case
Sheet 3 — Supervised Release

DEFENDANT: Timothy J. Fielding
CASE NUMBER: 5:14CR50064-1

Mandatory drug testing is suspended based on the Court's determination that the defendant poses a low risk future substance abuse and will not be supervised by U.S. Probation.

The defendant shall cooperate in the collection of DNA, pursuant to 18 U.S.C. §§ 3563(a)(9) and 3583(d).

SUPERVISED RELEASE

No term of supervised release is imposed.

AO 245B (Rev. 06/16) Judgment in a Criminal Case
Sheet 5 — Criminal Monetary PenaltiesDEFENDANT: Timothy J. Fielding
CASE NUMBER: 5:14CR50064-1**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

| | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
|--------|-------------------|-------------|--------------------|
| TOTALS | \$100 | Waived | None |

- ☐ The determination of restitution is deferred until .
An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.
- ☐ If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss*</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|----------------------|--------------------|----------------------------|-------------------------------|
|----------------------|--------------------|----------------------------|-------------------------------|

| | | |
|--------|----------|----------|
| TOTALS | \$ _____ | \$ _____ |
|--------|----------|----------|

- ☐ Restitution amount ordered pursuant to Plea Agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the Judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The Court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ Fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO245B (Rev. 06/16) Judgment in a Criminal Case
Sheet 5 — Schedule of Payments

DEFENDANT: Timothy J. Fielding
CASE NUMBER: 5:14CR50064-1

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100 due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____, to commence _____ (e.g., 30 or 60 days) after the date of this Judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____, to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment of the total restitution and other criminal monetary penalties shall be due in regular quarterly installments of 50% of the deposits in the defendant's inmate trust account while the defendant is in custody, or 10% of the defendant's inmate trust account while serving custody at a Residential Reentry Center. Any portion of the monetary obligation(s) not paid in full prior to the defendant's release from custody shall be due in monthly installments of \$, such payments to begin _____ days following the defendant's release.
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the Court has expressly ordered otherwise, if this Judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
- Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
\$182 in U.S. currency.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.